

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, JULY 10, 2007 – 9:31 A.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

Members Present: Ronnie E. Duncan, Chairman; Robert B. Stewart, Vice-Chairman; Calvin D. Harris; Susan Latvala; John Morroni; and Kenneth T. Welch.

Members Absent: Commissioner Seel.

Members Late: None.

Members Excused: None.

Others Present: Susan H. Churuti, County Attorney; Stephen M. Spratt, County Administrator; Clarethia N. Harris, Chief Deputy Clerk; and Michael P. Schmidt, Deputy Clerk.

INVOCATION: Pastor Steve Nicholson, Faith Family Outreach Church, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Stewart.

PROCLAMATIONS AND AWARDS: None.

CITIZENS TO BE HEARD

JoAn Totty, Palm Harbor, re Palm Harbor right-of-way easement.

Mayor Andy Steingold, City of Safety Harbor, requesting a rehearing of the amended City Community Redevelopment Agency (CRA) application.

Kathleen Earle, Safety Harbor, re Safety Harbor CRA.

Nadine Nickeson, Safety Harbor, re Safety Harbor CRA.

Bob Diaz, Safety Harbor, re Safety Harbor CRA approval as submitted.

Rob Hoskins, Safety Harbor, re Safety Harbor CRA.

Carol Kumfer, Safety Harbor, re Safety Harbor CRA approval as submitted.

Christine Harlan, Safety Harbor, re Safety Harbor CRA approval as submitted.

Gary Jones, Safety Harbor, re Safety Harbor redevelopment.

Rob Parker, Safety Harbor, re Safety Harbor redevelopment.

Jeffrey Barrett, Clearwater, re Redevelopment Plan.

William M. Turkali, Safety Harbor, re Safety Harbor property downzone (CRA).

Rick Zacchigna, Clearwater, re Redevelopment Plan Safety Harbor.

Karen W. Kallai, Safety Harbor, re rehearing on Safety Harbor CRA.

Dawn Algieri, Clearwater, re rezoning property on Bayshore Boulevard, Safety Harbor.

Kent Runnells, Safety Harbor, re Safety Harbor Redevelopment Plan.

Malisa Jernigan, Safety Harbor, re Citizens to be Heard.

Kenneth E. McDonald, Tierra Verde, re the future.

Discussion ensued, at which time, Commissioner Stewart moved, seconded by Commissioner Morroni and carried, that the Board readvertise and rehear the amended CRA application of Safety Harbor.

Motion	-	Vice-Chairman Stewart
Second	-	Commissioner Morroni
Vote	-	6 – 0

Administrator Spratt said that he will have staff provide a date certain for the rehearing at the July 24, 2007, meeting.

All public hearing items have been properly advertised. Affidavits of Publication have been received and are on file in the Board Records Department.

SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS

1 Resolution No. 07-80 adopted granting petition of John Savidakis, Jr. and Susan B. Savidakis to vacate a portion of a utility and drainage easement on Lot 79, Deep Spring Subdivision, located in Section 18, Township 28 South, Range 16 East; authority granted for Clerk to record the resolution. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Latvala
Second	-	Commissioner Welch
Vote	-	6 – 0

2 Ordinance No. 07-29 adopted providing that Chapter 150 of the Pinellas County Land Development Code, Impact Fees, be amended by revising Exhibit A, Impact Fee Districts Map, and Exhibit B, Downtown St. Petersburg District 11A. Staff recommended approval of the proposed ordinance. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Latvala
Second	-	Commissioner Welch
Vote	-	6 – 0

SCHEDULED PUBLIC HEARINGS – COUNTYWIDE PLANNING AUTHORITY

3a Ordinance No. 07-30 adopted approving Case No. CW 07-15, the proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from Residential Urban to Residential/Office Limited, re 0.8 acre located on the south side of State Road 590, approximately 200 feet west of Owen Drive (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Morrioni
Second - Commissioner Latvala
Vote - 6 – 0

- # 3b Ordinance No. 07-31 adopted approving Case No. CW 07-16, the proposal by the City of Pinellas Park to amend the Countywide Future Land Use Plan from Residential Urban to Residential/Office General, re 0.3 acre located at 6645 68th Avenue North (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Latvala
Second - Commissioner Morrioni
Vote - 6 – 0

WATER AND NAVIGATION CONTROL AUTHORITY PUBLIC HEARINGS

- # 4 Private dock application No. P37907-06/Revised, Timothy B. and Gail C. Anderson, 508 Bluff View Drive, Belleair Bluffs (Clearwater Harbor) approved; no correspondence has been received; no citizens appeared to be heard; and the biological report has been filed as part of the record.

Motion - Commissioner Latvala
Second - Commissioner Harris
Vote - 6 – 0

- # 5 Private dock application No. P37628-06/Revised, William Church, 101 Sanctuary Drive, Crystal Beach (St. Joseph Sound) approved; no correspondence has been received; no citizens appeared to be heard; and the biological report has been filed as part of the record.

Motion - Commissioner Latvala
Second - Commissioner Harris
Vote - 6 – 0

- # 6 Multi-use dock application No. M38080-07, Nikolaos Polemarhakis, 2624 North Paula Drive, Dunedin (St. Joseph Sound) denied; one letter in opposition to the application has been received; and the biological report has been filed as part of the record.

Director of Environmental Management William M. Davis displayed an aerial photograph and site plan and described the 11-slip, multi-use dock which is intended to serve an as yet undeveloped 12-unit condominium facility and which has been approved by the City of Dunedin.

Responding to the Chairman’s call for persons wishing to be heard, B. J. Star, Dunedin, appeared and expressed her concerns.

Discussion ensued at which time Mr. Davis and Sherry Bagley, Woods Consulting, responded to queries of Commissioners Harris and Stewart and indicated that the applicant possesses a site plan for 12 condominium units which will be reviewed by the state permitting agencies; that state law provides for a one-unit per one-slip ratio; that if the applicant is required to reduce the number of units to be built on the site, his current permit with the City of Dunedin would become invalid and he would have to reapply; that increased traffic on the canal would be negligible; and that although water flow may be impacted, the application is for an established use of the waterway.

Continuing, Mr. Davis advised Commissioner Welch that Environmental Management has a standard policy of providing written notice of public hearing to owners who reside within a 500-foot radius of a subject property.

Motion	-	Commissioner Latvala
Second	-	Commissioner Welch
Vote	-	3 – 3 (Commissioners Duncan, Harris and Morrone dissenting)

7 Dredge and Fill Application No. DF1794-06, City of St. Petersburg (Channel Q, Tampa Bay) approved subject to the following condition:

In the event of turbidity problems outside of the dredge or spoil area, the applicant or contractor must take immediate corrective action.

One letter in opposition to the application has been received; and the biological report has been filed as part of the record.

Director of Environmental Management William M. Davis displayed an aerial photograph and a site plan and described the proposed dredge area. He indicated that the applicant intends to remove 7,000 cubic yards of material during the dredge operation; that there will be limited, unavoidable impacts to some oyster beds and a few mangrove areas; that the applicant has provided a mitigation plan in Clam Bayou; and that the dredging will restore navigation within the canals.

Responding to the Chairman's call for persons wishing to be heard, Peggy Wilgis, St. Petersburg, expressed her concerns; whereupon, Andrew Springer, St. Petersburg, expressed his support regarding dredging of the canal.

Motion	-	Commissioner Morrone
Second	-	Commissioner Latvala

In response to query by Commissioner Welch, Jeff Churchill, City of St. Petersburg, indicated that the City intends to remove brazilian pepper trees from an area in Clam Bayou and replace them with native marsh grasses; and that mangroves located in the middle of the channel are the only ones slated for removal.

Vote	-	6 – 0
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- # 8 Commercial dock application No. CD38038-07, Tierra Verde Marina Holdings, LLC – Richard Fabrizi, 100 and 128 Pinellas Bayway, Tierra Verde (Boca Ciega Bay) approved; 116 letters and a petition with 175 signatures in opposition to the application have been received; and the biological report has been filed as part of the record.

Director of Environmental Management William M. Davis displayed an aerial photograph and a site plan, copies of which have been filed and made a part of the record, and described the proposed replacement of an existing commercial marina. He indicated that staff has determined that no significant environmental or navigational concerns exist; and that staff recommends approval of the application.

In response to queries by the Commissioners, Managing Assistant County Attorney Jewel White Cole indicated that any action the members take regarding denial of the application would require evidence in the record that would support their decision; and Building and Development Review Services Director Paul Cassel provided information regarding the timeframe and process relating to a public hearing for a conditional use application.

Discussion continued, and in response to queries by Commissioners Morroni and Latvala, Anthony Amico, one of the owners, indicated that he intends for the site to remain a marina regardless of whether he is permitted use of the submerged lands for a gambling operation shuttle; whereupon, responding to the Chairman's call for persons wishing to be heard, the following citizens appeared and expressed their concerns:

Kevin Cronin, Tierra Verde
John Biesinger, Tierra Verde
Paul Murray, Tierra Verde
Robb Versandi, Tierra Verde
Nancy Biesinger, Tierra Verde
Corrine St. Jean, Tierra Verde
John Clement, Tierra Verde
Steve Fox, Tierra Verde
Anthony Camisso, Tierra Verde
Michael Wetzell, Tierra Verde
Michele Enzweiler, Tierra Verde
Marlene Stadler, Tierra Verde
John Sanderson, Tierra Verde
Art Zelenak, Tierra Verde
Lora Fulmer, Tierra Verde
Virginia Poffenberger, Tierra Verde
Jim Swayne, Tierra Verde
Judy Bader, Tierra Verde
Michael Kinter, Tierra Verde
Mary Bowlby, Tierra Verde
Chris Gallant, Tierra Verde

Terry Skapik, Woods Consulting, responded to queries by Commissioner Welch, provided information regarding future upgrades to the marina, and described the benefits to boaters who will utilize the proposed floating docks.

Thereupon, during lengthy discussion, Commissioner Latvala moved, seconded by Commissioner Stewart, that the Board approve the application.

Motion - Commissioner Latvala
Second - Commissioner Stewart
Vote - 4 – 2 (Commissioners Harris and Morroni dissenting)

CONSENT AGENDA ITEMS NOS. 9 THROUGH 22 – APPROVED, WITH THE EXCEPTION OF ITEM NO. 18, WHICH WAS CONSIDERED UNDER ITEM NO. 23

Motion - Commissioner Latvala
Second - Commissioner Harris
Vote - 6 – 0

- # 9 Minutes of regular meeting of May 15, 2007.
- #10 Reports received for filing:
 - a. Internal Audit Division, Clerk of the Circuit Court, Report No. 2007-07 dated May 24, 2007 – Audit of County Memberships.
 - b. Pinellas Park Water Management District Public Facilities Report dated May 2007.
 - c. Dock Fee Reports for the months of April and May 2007.
- #11 Approvals received for filing:
 - a. General – none.
 - b. Vouchers and Bills Paid - Period of May 14 through June 1, 2007
 - Payroll Journal Expenditures
 - Payroll Journal page numbers 1 through 2694
 - Payroll checks numbered 549694 through 550283

 - Imprest Fund Expenditures
 - Manual checks numbered 751381 through 751396
 - System checks numbered 880678 through 883158

 - Wire Transfers numbered 008885 through 008955
- #12 Miscellaneous items received for filing:
 - a. City of Safety Harbor Ordinances Nos. 2007-11 and 2007-12 adopted June 4, 2007, annexing certain property.
 - b. Pinellas Suncoast Fire & Rescue District Resolution No. 2007-09 adopted May 15, 2007, amending the 2006/2007 budget.
 - c. Pinellas Park Water Management District Minutes of Regular Authority Meeting No. 7 dated April 16, 2007, and financial statement for the month of April 2007.

#13 Plats, Guarantees, Sureties and Agreements:

Oak Run Subdivision – Parsley Subdivision, Inc. – completion surety funds released.

#14 Consultant’s Competitive Negotiation Act (CCNA) procurement approved by the County Administrator for quarter ending June 30, 2007 received for filing.

<u>Department</u>	<u>Type</u>	<u>Project</u>	<u>Vendor</u>	<u>Dollar Value</u>	<u>Award Date</u>
Public Works	Agreement	Consulting Services For Ongoing Land Survey and Mapping Services	Cumbey and Fair, Inc.; Florida Design Consultants, Inc.; George F. Young, Inc.; McKim & Creed, P.A.; Polaris Associates, Inc.; TBE Group, Inc.	\$500,000 ea. agreement firm for a term of three years, with a three year option of renewal	4/8/07
Utilities	Agreement	Geotechnical Engineering Services For Miscellaneous Projects	Driggers Engineering Services, Inc.; Test Lab, Inc.; Williams Earth Sciences, Inc.	\$75,000 ea. agreement for a term of three years, with a three year option of renewal	4/30/07
Public Works	Agreement	Materials Testing Services	Driggers Engineering Services, Inc.	\$600,000 for a term of three years, with a three year option of renewal	6/7/07

#15 Bid for Advanced Traffic Management System (ATMS) equipment, by group, awarded to the following vendors on the basis of being the lowest responsible, responsive bids received:

1. Groups One and Seven to Econolite Control Products, Inc.
2. Group Two to Atlantic Scientific Corporation
3. Group Three – No bids received
4. Group Four to Precision Contracting Services, Inc.
5. Group Five to South Atlantic Traffic Corporation
6. Group Six to Wavetronix LLC
7. Group Eight to Adaptive Micro Systems, LLC
8. Group Nine to Blackhawk Enterprises, Inc.

Contract is for a 36-month period (total estimated 36-month expenditure not to exceed \$5,400,000.00); one additional 24-month option of renewal and price adjustments in an amount not to exceed the average of the Producers Price Index for Vehicular and Pedestrian Traffic Control Equipment, not seasonally adjusted, for the 12 months prior to

July 10, 2007

- renewal, or five percent, whichever is lower, subject to availability of funds and County Administrator approval (Contract No. 067-0383-B).
- #16 Change Order No. 1 (Final) to agreement with Oakhurst Construction Co., Inc. for Lealman Neighborhood Park Re-Bid (PID No. 1065, Bid No. 056-0637-C) decreasing the agreement by \$2,756.74 (revised agreement amount, \$374,711.37) approved; contract substantially complete as of March 8, 2007 following extension of 28 days; all retainage previously withheld is released; Chairman authorized to sign and the Clerk to attest.
 - #17 Change Order No. 1 to agreement with Pneumatic Concrete Co., Inc. for Fort DeSoto Bay pier repairs (Re-Bid) (PID No. 922373, Bid No. 056-0879-C) approved for additional items not identified in the original specifications; and to increase the contract time an additional 30 days to July 18, 2007; Chairman authorized to sign and the Clerk to attest.
 - #18 See Item No. 23.
 - #19 Cooperative Funding Agreement with the Southwest Florida Water Management District (SWFWMD) and Pinellas County for Starkey Basin Watershed Evaluation and Management Plan (L709) (PID No. 1233) approved; total project cost, \$600,000.00; SWFWMD to provide 50 percent of the cost not to exceed \$300,000.00 (Environmental Management).
 - #20 Fiscal Year 2007 Budget Amendment No. 14 was filed and made a part of the record (Management and Budget).
 - #21 Sitting as the Countywide Planning Authority, the Board accepted the supplemental package to the Clearwater-Largo Road Community Redevelopment District Plan with the one modification to Appendix A.7.1.a. discussed in the staff analysis, and under its Chapter 163 Community Redevelopment Act responsibilities, approved the changes to the Community Redevelopment District Plan contained in the supplemental package with the one noted modification to Appendix A.7.1.a.
 - #22 Sitting as the Emergency Medical Services Authority, the Board approved for execution the issuance of a Certificate of Public Convenience and Necessity to Bay Area Medical Transport, Inc. to provide non-medical wheelchair transport services in Pinellas County.
 - #23 Items for discussion from Consent Agenda (County Administrator).
 - #18 Change Order No. 5 to Project No. 613 with Skanska USA Building Inc. for construction management services for the Jail Expansion Phase II Health Care Facility, decreasing the agreement by \$2,657,731.13 for a revised agreement amount of \$25,042,133.29 approved; Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Stewart
 Second - Commissioner Welch

In response to query by Commissioner Stewart, Administrator Spratt, with input by Jan Herbst, Director of Public Works, reiterated that Change Order No. 5 is for a decrease in the amount of the contract; and with input by Tom Borawski, Public Works Building Design, indicated that August 5, 2007 is a firm move-in date relating to jail facility occupancy; and that he would provide Commissioner Stewart with a funding allocation sheet regarding the revenue split between the Penny and the sale of the Jumbo Sports property.

Vote - 6 – 0

- #24 Change Order No. 1 (Final) to agreement with M. Garcia & Sons, Inc. for Pinellas County Courthouse granite panel remediation (Re-Bid) (PID No. 1395, Bid No. 056-0465-C) increasing the agreement by \$81,494.00 (revised agreement amount, \$723,532.00) approved; contract accepted as complete as of February 28, 2007; all retainage previously withheld is released; Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Welch
 Second - Commissioner Harris
 Vote - 6 – 0

- #25 Declaration of a portion of a county-owned parcel as surplus, Resolution No. 07-81 to authorize exchange of the property, and an Exchange Agreement with Sembler Creekside Partnership #1, Ltd., and 54th Avenue Development Partnership, Ltd., for Joe’s Creek Greenway Park Project (PID No. 154) approved.

Motion - Commissioner Welch
 Second - Commissioner Latvala

In response to query by Commissioner Welch, Managing Assistant County Attorney Jewel White Cole provided an update regarding remediation of the subject property.

Vote - 6 – 0

- #26 Contract for Sale and Purchase with Cypress Turn Associates, Inc. for acquisition of real property located at the northeast corner of Keystone Road and Old East Lake Road, Tarpon Springs (Keystone Road–U.S. Highway 19 to East Lake Road) (PID No. 920522) approved by extraordinary vote; authorization granted for issuance of a check in the amount of \$52,850.15 to Somers Title Company (purchase price of \$52,200.00; and \$650.15 for title insurance); Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Latvala
 Second - Commissioner Welch
 Vote - 6 – 0

- #27 Contract for Sale and Purchase with Danielle A. Devening and Carmel A. Devening for acquisition of real property located at 1122 East Tarpon Avenue, Tarpon Springs (Keystone Road–U.S. Highway 19 to East Lake Road) (PID No. 920522) approved by extraordinary vote; authorization granted for issuance of a check in the amount of \$140,875.00 to Somers Title Company (purchase price of \$135,000.00; \$3,300.00 for attorney fees; \$1,475.00 for owners’ appraisal; and \$1,100.00 for title insurance); Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Harris
Second - Commissioner Latvala

In response to query by Commissioner Latvala, Public Works Director of Geographic Services Charles R. Norwood indicated that approximately forty parcels remain to be acquired by the County relating to the Keystone Road Capital Improvement Project; that the County is performing its due diligence on about ten other parcels where the contracts have been executed by the owners; that staff is ready to utilize a resolution of necessity which is a prelude to an eminent domain action; and that some of the parcels will be condemned.

Vote - 6 – 0

- #28 Agreement for professional engineering consulting services with Kisinger Campo & Associates, Corp. for Belcher Road (71st Street North) – 38th Avenue North to 54th Avenue North in the amount of \$964,148.08 (PID 655) approved; Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Latvala
Second - Commissioner Welch
Vote - 6 – 0

- #29 Agreement for professional engineering consulting services with KCI Technologies, Inc. for 62nd Avenue North – 49th Street North to 34th Street North in the amount of \$1,045,053.50 (PID No. 922276) approved; Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Welch
Second - Commissioner Latvala
Vote - 6 – 0

- #30 Design/Build Agreement for Public Works Highway Campus Phase 1/Traffic Operations Centralized Building with Hennessy Construction Services Corp. in the amount of \$1,689,306.00 (PID No. 1477) approved; Chairman authorized to execute and the Clerk to attest.

Motion - Commissioner Latvala
Second - Commissioner Harris
Vote - 6 – 0

#31 Authorization granted for the Utilities Department to proceed with construction of a water blending facility at the prepared blending facility site with the Operations/Security Building upgraded to a Category 5 wind loading through a competitive bid process for a total estimated cost in the amount of \$81,000,000.00; construction management at risk process to be terminated.

Motion - Commissioner Latvala
Second - Commissioner Stewart
Vote - 6 – 0

#32 Offer of payment in the amount of \$2,000.00 in satisfaction of a deferred payment mortgage (Community Development Case No. 5773) by first mortgage holder, Regency Heights Co-op, Inc., accepted; County Administrator authorized to sign release upon receipt of funds (Community Development).

Motion - Commissioner Latvala
Second - Commissioner Harris
Vote - 6 – 0

#33 Authorization granted for the Clerk to advertise a public hearing to be held July 24, 2007, re a proposed ordinance amending the Pinellas County Code concerning marina operations (Culture, Education, and Leisure).

Motion - Commissioner Latvala
Second - Commissioner Welch
Vote - 6 – 0

#34 Resolution No. 07-82 adopted approving Project A6051037246 as a qualified applicant pursuant to Section 288.106, Florida Statutes; and identifying sources of local county financial support of Project A6051037246 as local participation in the Qualified Target Industry Tax Refund Program; tax refund to be paid over a series of fiscal years as determined by the State, with the first payment expected to be requested in fiscal year 2009 (total tax refund of \$75,000.00; no more than 25 percent of the total refund to be taken in any single fiscal year; total contribution of Pinellas County for Project A6051037246 will not exceed \$15,000.00) (Economic Development).

Motion - Commissioner Latvala
Second - Commissioner Welch
Vote - 6 – 0

#35 Interlocal Agreement with the City of Dunedin for use of the Dunedin Community Center as a public emergency shelter approved; Chairman authorized to execute and the Clerk to attest and file the agreement in accordance with Section 163.01, Florida Statutes (Facility Management).

Motion - Commissioner Harris
Second - Commissioner Latvala
Vote - 6 – 0

- #36 Resolution No. 07-83 adopted appropriating earmarked receipts for a particular purpose in the fiscal year 2007 General Fund budget (unanticipated Southwest Florida Water Management District, Pinellas-Anclote Basin Board grant funds in the amount of \$60,000.00; Department of Environmental Management) (Management and Budget).
- | | | |
|--------|---|----------------------|
| Motion | - | Commissioner Welch |
| Second | - | Commissioner Latvala |
| Vote | - | 6 – 0 |
- #37 Resolution No. 07-84 adopted appropriating earmarked receipts for a particular purpose in the fiscal year 2007 Capital Projects Fund budget (unanticipated donations in the amount of \$40,000.00; Department of Environmental Management) (Management and Budget).
- | | | |
|--------|---|-----------------------|
| Motion | - | Commissioner Morrioni |
| Second | - | Commissioner Harris |
| Vote | - | 6 – 0 |
- #38 Resolution No. 07-85 adopted appropriating earmarked receipts for a particular purpose in the fiscal year 2007 General Fund budget (unanticipated grant and contract revenues in the amount of \$1,851,130.00) as requested by the Sheriff (Management and Budget).
- | | | |
|--------|---|---------------------|
| Motion | - | Commissioner Harris |
| Second | - | Commissioner Welch |
| Vote | - | 6 – 0 |
- #39a Lease Agreement between Gulf to Bay Center, LLC and Pinellas County for office space occupied by the Pinellas County Tax Collector located at 1663 Gulf to Bay Boulevard, Clearwater, for a term of five years with one five-year renewal approved; Lease Agreement to commence upon reoccupation of the premises by the Tax Collector subsequent to satisfactory completion of the space renovation as provided by the landlord; Chairman authorized to sign and the Clerk to attest (Facility Management).
- | | | |
|--------|---|----------------------|
| Motion | - | Commissioner Welch |
| Second | - | Commissioner Stewart |
| Vote | - | 6 – 0 |
- #39b Authorization granted for the Clerk to advertise a public hearing to be held August 7, 2007, re a proposed ordinance permitting the use of golf carts, with conditions, in the community of Highland Lakes (Public Works).
- | | | |
|--------|---|----------------------|
| Motion | - | Commissioner Latvala |
| Second | - | Commissioner Stewart |
| Vote | - | 6 – 0 |
- #39c County Administrator Spratt related that the Board is required to appoint a designee to the Tampa Bay Regional Transportation Authority; whereupon, Commissioner Harris moved, seconded by Commissioner Welch, that Chairman Duncan be appointed. At the request of the Chairman, Vice-Chairman Stewart assumed the gavel and presided as Acting Chairman. Thereupon, upon call for the vote, the motion was approved.

Motion	-	Commissioner Harris
Second	-	Commissioner Welch
Vote	-	6 – 0

- #40 County Attorney authorized to defend the County’s interest:
- a. Patricia Bansavage versus Pinellas County – Circuit Civil Case No. 07-4663-CI-8 – Allegations of Negligence Resulting in Personal Injuries.
 - b. Denise Herron versus Pinellas County Sheriff’s Office – Circuit Civil Case No. 07-003879-CI-8 – Allegations of Damages and Personal Injuries.
 - c. Joann Sawyer versus Sheriff – Circuit Civil Case No. 07-4638-CI-7 – Allegations of Damages Resulting in Personal Injuries.
 - d. Robin A. Vaillancourt, et al. versus Pinellas County, et al. – Circuit Civil Case No. 07-4543-CI-20 – Allegations of Negligence Resulting in Personal Injuries.
 - e. Safety Harbor Complex, L.L.C. versus Florida Department of Transportation, et al. – Circuit Civil Case No. 06-8266-CI-11 – Allegations of Inverse Condemnation, Due Process Violations, and Trespass.
 - f. William R. Semple and Petera C. Semple versus Pinellas County – Circuit Civil Case No. 07-5421-CI-20 – Allegations of Inverse Condemnation.
 - g. Brett H. Green versus Jim Coats, Sheriff of Pinellas County – Circuit Civil Case No. 07-4456-CI-21 and Approval of an Agreement for Legal Services with MacFarlane, Ferguson & McMullen, retroactive to June 1, 2007.

Motion	-	Commissioner Morrone
Second	-	Commissioner Latvala
Vote	-	6 – 0

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Deviating from the agenda, Item No. 42 was addressed at this time.

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- #42 Contracts for Legal Services with Greenberg, Traurig on behalf of Sheriff James Coats, in the following matters, retroactive to May 1, 2007, approved for execution.
- a. Marquell D. McCullough versus Jim Coats – Case No. 8:06-CV-00813-30-TBM.
 - b. Gwendolyn Garland versus Jim Coats, Deputy D. Bradley, and Deputy B. Sison – Case No. 8:06-CV-1948-T26EAJ.
 - c. Michael McBride versus Sheriff Jim Coats and Detention Deputy Jason Moyer – Case No. 8:06-CV-01490-SCB-EAJ.
 - d. Landria Adams as Personal Representative of the Estate of Jarrell Walker, Deceased versus Sheriff Coats and Deputy Christopher Taylor – Case No. 8:07-CV-00638-T-30TGW.

Motion	-	Commissioner Morrone
Second	-	Commissioner Harris
Vote	-	6 – 0

- #41 Authority granted for the County Attorney to initiate litigation in the cases of:
- a. Pinellas County versus Frank Hagen, as Trustee of the Trevena-Hagen Land Trust – Injunctive Relief.
 - b. Pinellas County versus Vegas of St. Petersburg, Inc. – Injunctive Relief.
 - Motion - Commissioner Harris
 - Second - Commissioner Latvala
 - Vote - 6 – 0
- #43 Amendment relating to revised Appendix A to the Contract for Legal Services dated December 1, 2005, with Ford & Harrison, LLP as special counsel in matters involving labor and employment approved for execution.
- Motion - Commissioner Latvala
 - Second - Commissioner Welch
 - Vote - 6 – 0
- #44 Revised Exhibit “A” to the Contract for Legal Services with Carlton Fields, P.A. with respect to legal consultation in the matter of construction law, retroactive to January 3, 2007, approved.
- Motion - Commissioner Latvala
 - Second - Commissioner Welch
 - Vote - 6 – 0
- #45 Authorization granted for the Clerk to advertise a public hearing to be held August 7, 2007, re a proposed ordinance creating Section 2-147, Pinellas County Code, establishing restrictions on the sale or transfer of County-owned parks and environmental lands.
- Motion - Commissioner Latvala
 - Second - Commissioner Stewart
 - Vote - 6 – 0
- #46 County Attorney Miscellaneous:
County Attorney Churuti related that a motion to dismiss is scheduled for August 9, 2007 in the case of Pinellas County versus Crest Capital, LLP and Milmarson Development Corporation, LLC; noted that trial is in progress in the case of Larry Hall versus Pinellas County Sheriff's Office; and indicated that memoranda regarding these cases have been distributed.
- #47 Resolution No. 07-86 adopted by the Board, sitting as the Emergency Medical Services (EMS) and Fire Administration Authority, authorizing the acceptance of transfer of ownership of a technical response truck (1974 Ford 800 beverage truck; VIN No. 1FDWR74N4DVA22479) from the City of St. Petersburg for use by Largo Fire Rescue’s Technical Rescue Response Unit; (County to upgrade vehicle for an estimated cost of \$15,000.00).
- Motion - Commissioner Stewart
 - Second - Commissioner Morrone
 - Vote - 6 – 0

#48 Appointment of James Warman, City of Largo Fire Marshal, to the Pinellas County Construction Licensing Board to serve the remainder of the term of the Fire Marshal Representative which will expire on September 30, 2008, approved.

Motion	-	Commissioner Latvala
Second	-	Commissioner Welch
Vote	-	6 – 0

#49 County Administrator Reports:

a. Administrator Spratt, with input by John Woodruff, Office of Management and Budget, gave a brief update of the proposed tentative FY 2007/2008 budget which will be sent to the Board on July 13, 2007. Referring to a PowerPoint presentation, a copy of which has been filed and made a part of the record, Mr. Spratt provided a summary of the revisions made in response to the directions provided by the Board at the last Budget Work Session, and the members discussed the following items:

- ✓ FY 08 General Fund budget update.
- ✓ Consolidated reduction list.
- ✓ Position reduction summary.
- ✓ Fire/EMS impact.
- ✓ Summary of fee changes.
- ✓ Millage rates table.
- ✓ Important dates.

During discussion and in response to queries by Commissioner Stewart, Mr. Spratt explained that while it appears that some of the agencies and constitotionals have not met the requested budget reductions, the overall required reduction for the County has been met.

Referring to the position reduction summary, Mr. Spratt related that of a total of 173 positions to be cut, 87 positions are currently filled; noted that the Personnel Department has a team in place to answer questions from employees regarding the layoffs; and stated that no formal notification of elimination of positions or layoffs will be made until after September 18, 2007, when the FY 2007/2008 budget is scheduled to be approved.

Responding to queries by Commissioners Stewart and Welch, Mr. Spratt indicated that he will provide historical information with regard to the proposed FY 2007/2008 countywide millage rate and how it compares to prior millage rates; confirmed that the new fee revenue target has been met; and noted that the fee structure will be reevaluated on a continuing basis to determine if any other opportunities for revenue increases exist; and discussion ensued, with Commissioner Stewart providing input.

- b. Mr. Spratt related that there is an opportunity to submit an application for a State Environmental Lands Acquisition and Management Program grant in connection with the proposed sale of Cross Bar/AL-BAR Ranch; and noted that Pasco County is interested in purchasing the property. Hearing no objections from the members, Mr. Spratt indicated that staff will move forward with the grant application.

#50 Reappointments to the WorkNet Pinellas Board of Directors approved.

Motion	-	Commissioner Harris
Second	-	Commissioner Morrone
Vote	-	6 – 0

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Deviating from the agenda, Item No. 52 was addressed at this time.

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#52 Appointment to the Pinellas County Environmental Foundation temporarily deferred.

Responding to query by Commissioner Morrone, County Attorney Churuti indicated that she will review the legislation of the Pinellas County Environmental Foundation to determine whether residence in Pinellas County is a requirement for this appointment. Thereupon, Commissioner Stewart moved, seconded by Commissioner Harris and carried, that this item be temporarily deferred.

Motion	-	Commissioner Stewart
Second	-	Commissioner Harris
Vote	-	6 – 0

#51 Appointment of William C. Jonson to the Pinellas Suncoast Transit Authority Board of Directors to serve the remainder of a term expiring September 30, 2009, approved; vote by paper ballot verified by the Clerk; ballots filed and made a part of the record.

#53 Appointment to the Suncoast Health Council withdrawn.

#54 County Commission Miscellaneous:

- a. County Administrator Spratt related that the Board is required to appoint a designee to the Lealman Fire Control District special task force on annexation; whereupon, Commissioner Stewart moved, seconded by Commissioner Latvala and carried, that Commissioner Welch be appointed.

Motion	-	Commissioner Stewart
Second	-	Commissioner Latvala
Vote	-	6 – 0

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- b. Commissioner Stewart complimented Mr. Spratt and the budget team on a job well done; requested reports regarding the Jim Smith property issue and the land acquisition process in the County; and requested that the Property Appraiser's Office provide history on the parcel owned by Mr. Smith. Mr. Spratt indicated that he would provide the requested information.
- c. Chairman Duncan noted that he has discussed a study of the County's land acquisition process with Mr. Spratt and is looking forward to seeing the reports; related that there will be a meeting of the Regional Transit Forum Subgroup on July 13, 2007, in the Aviation Board Room at Tampa International and invited the members to attend; and, responding to query by Commissioner Welch, indicated that interviews are currently being conducted for a new Executive Director of the Pinellas Suncoast Transit Authority; and noted that he expects the position to be filled by early September.

#55 Meeting adjourned at 3:00 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By: _____
Deputy Clerk